

IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

_____)	
IN RE:)	
)	
EXPLO SYSTEMS, INC.)	CASE NO. 13-12046
)	
DEBTOR)	CHAPTER 11
)	
_____)	

DECLARATION OF PAIGE DELGADO

I, Paige Delgado, state as follows to the best of my knowledge, information and belief:

1. I have reviewed EPA Region 6 files in preparing this declaration and/or have personal knowledge of facts set forth in this declaration.
2. I have been employed with the United States Environmental Protection Agency (“EPA”), Region 6 as an On-Scene Coordinator, since January 18, 2009. My current position is an On-Scene Coordinator in the Region 6 Superfund Division. Region 6 encompasses the states of New Mexico, Oklahoma, Arkansas, Louisiana, and Texas. Prior to my employment at EPA, I was employed by Weston Solutions, Inc. and worked as an EPA Superfund Technical Assistance and Response Team Contractor from 2001-2009. Since 2009, I have conducted several oil and hazardous materials emergency responses and removal actions as an On-Scene Coordinator in the Superfund Division. In performing my duties as the EPA On-Scene Coordinator, I coordinate on-going site issues with the State and Federal Agencies and provide advice and recommendations to final decision-makers throughout the Region and EPA Headquarters with respect to the Camp Minden Site, located in Webster Parish, Louisiana. I have successfully completed the Explosives

Safety Course for Explosives Handlers in compliance with the Louisiana Administrative Code Title 55, Part I, Chapter 15. Explosives Code.

3. As an EPA On-Scene Coordinator, my official responsibilities include assessing the need for removal response actions pursuant to Section 104(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. § 9604(a), and 40 C.F.R. § 300.415(a) and (b), of the National Oil and Hazardous Substances Contingency Plan (NCP), codified at 40 C.F.R. Part 300 et seq. On-Scene Coordinator responsibilities encompass performing all aspects of the technical and administrative management of removal actions at Superfund sites. I exercise lead responsibility for conducting removal response actions using Superfund funds to clean up sites contaminated with hazardous substances, pollutants, or contaminants under CERCLA Section 104(a) and 40 C.F.R. § 300.415(e). I also exercise lead oversight authority for removal actions conducted by potentially responsible parties either under a CERCLA Section 104(a) agreement, or an order issued by EPA under CERCLA Section 106(a), 42 U.S.C. § 9606(a).

BACKGROUND

Removal Site Evaluation

4. The Explo Systems Site (Site) is located at 1600 Java Road, Minden, LA 71055-7924, within the boundaries of Camp Minden. The Site encompasses approximately 134 acres. On Camp Minden there are two other companies with operations similar to Explo Systems, Inc. (Explo). Java Road is the northern boundary of the Explo lease with the Louisiana National Guard. The remaining areas that border the Explo facility included undeveloped forested land. The town of Doyline, with an estimated population of 800 people, is located less than 4,000 feet

south of the Explo facility. A railroad switching and storage yard is approximately 500 feet to the northwest of the Site. Paved roads and tank trails traverse the entire Camp Minden property. While Camp Minden is fenced and patrolled by on-duty National Guardsmen, deer hunting is allowed by permit on the base. The Louisiana National Guard Youth Challenge Program (school) and the Webster Parish Prison are also located on Camp Minden.

5. Explo Systems, Inc. (Explo) operated under several contracts with the U.S. Army (i.e., November 16, 2006 and March 24, 2010) or subcontract agreements with parties such as General Dynamics-OTS (i.e., September 19, 2011, and January 17, 2012) for the demilitarization or dismantling of munitions. One of Explo's processes included the dismantling of 750 lb. and 2,000 lb. bombs and recovering the explosive charges, the metals found in the bombs, and other materials used for packing and transport of the weapons or charges. Another process addressed packaged dunnage bags of propellants. The process of demilitarizing howitzer cartridges containing M6 propellant and Explo System's improper storage of the M6 Propellant and other explosive materials resulted in an explosion occurring at the Site.

6. As part of the demilitarization of the materials listed in paragraph 5 and associated processes associated with the dismantling, processing, and repackaging of explosive materials, Explo utilized multiple equipment types such as, but not limited to:

- Bomb Press(es) and associated parts/accessories (i.e. dollies, carriages, plates, shoes, cylinders, tubs, etc.)
- Lathe(s) and associated parts/accessories (i.e. plates, rings, wipers, etc.)
- Hoppers
- Steam Hoods
- Cleaning/Dump Tables (i.e. nose, center section, etc.)
- Hoists
- Cranes
- Steam Generator
- Air Compressors

- Rotary Flakers
- Water Chillers
- Forklifts
- Pre-Melters
- Melters
- Screeners
- Salt Cleaners
- Kettles
- Pallet Scales
- Pallet Net Wrappers
- Tractors
- Pallet Jacks
- Trucks
- Mules
- Box Crushers
- Trailers (tractor/truck)

Any and all equipment utilized in the processing, handling, and transporting of explosives is potentially contaminated with explosives requiring decontamination.

RELEASE OR THREATENED RELEASE INTO THE ENVIRONMENT

Explosives and Materials found at the Site

7. The equipment listed in paragraph 6 and any additional equipment utilized by Explo for the processing, handling, and transportation of explosives is potentially contaminated with the explosive materials stored on Site including:

- 128 lbs. of black powder
- 200 lbs. of Composition H6
- Four 50-gallon drums of ammonium perchlorate
- Two 50-gallon drums and 3-50 lb. boxes of Explosive D (ammonium picrate)
- 109,000 lbs. of M30 propellant
- 320,000 lbs. of Clean Burning Incendiary (CBI)
- 661,000 lbs. of Nitrocellulose
- 1.817 million lbs. of Tritonal (aluminum/TNT) mixture
- 15 million lbs. of M6 propellant
- Unknown volume of Red Water (water contaminated with TNT)
- Effluent associated with the Super Critical Water Oxidation Unit (SCWO)

The inventory was initially provided to LANG by Explo Systems, Inc., and later modified by Department of Defense (DOD), Explosives Safety Board (ESB) during Technical Assistance/Safety Assessments performed at the Explo Site, and documented by April 18, 2013, and June 20, 2013, Reports. In addition to the explosive materials stored at Camp Minden, an additional 2.6 – 3 million pounds of M6 is stored in Camden, Arkansas.

8. The M6 propellant is a mixture of nitrocellulose, dinitrotoluene, dibutylphthalate, and diphenylamine. This mixture, primarily due to the nitrocellulose is extremely reactive and is characteristic hazardous waste, D003, as defined by 40 C.F.R. §261.23. Characteristic hazardous waste are hazardous substances under CERCLA Section 101(14), 42 U.S.C. § 9601(14). Dinitrotoluene and dibutylphthalate are listed hazardous substances under 40 C.F.R. §302.4. Dinitrotoluene is also a listed hazardous waste, D030, under 40 CFR 40 C.F.R. §261.30. Diphenylamine is a stabilizer.

9. The primary component of Tritonal (aluminum/TNT mixture) and a large portion of Composition H6 is trinitrotoluene (TNT). TNT can cause damage to the liver, anemia, and to the male reproductive system. Degradation of the Tritonal or aluminum/TNT mixture will result in the formation of pink or red water. Pink or red water from TNT is a listed hazardous waste (i.e., K047), under 40 C.F.R. §261.32. Listed hazardous waste are hazardous substances under CERCLA Section 101(14), 42 U.S.C. § 9601(14).

10. The M30 propellant is a mixture of nitrocellulose, nitroglycerin, nitroguanidine, and Centralite. Nitroglycerin is a listed hazardous substance under 40 CFR §302.4. Nitroguanidine is an extremely low sensitivity explosive with a high detonation velocity. A stabilizer is also added to the M30.

11. Nitrocellulose, found by itself and as a constituent of the propellants is extremely reactive and is a characteristic hazardous waste, D003, as defined by 40 CFR §261.23.

Nitrocellulose is a listed hazardous material, UN 2556. Characteristic hazardous waste are hazardous substances under CERCLA Section 101(14), 42 U.S.C. § 9601(14).

12. Composition H6 is another mixture of TNT and aluminum but is 45% cyclotrimethylenetrinitramine, also known as RDX. RDX is another powerful explosive and is a characteristic hazardous waste, D003, as defined by 40 CFR §261.23. In the H6 mixture, its power is increased by the addition of aluminum.

13. Ammonium picrate is a hazardous substance under 40 CFR §302.4. It is highly explosive and can form crystals that are extremely shock sensitive.

14. The hazardous substances identified above are designated in Section 101(14) of CERCLA, 42 U.S.C. §9601(14) and 40 CFR §302.4.

15. The explosives listed in paragraph 7 exhibit characteristics of toxicity through dermal absorption, ingestion, and inhalation. Equipment contaminated with explosives pose a risk of exposure to transporters and end users. Personnel without proper training or knowledge of the risks associated with the contamination by explosives could be exposed to hazardous and toxic materials with the potential for adverse health effects. Decontamination of the equipment and/or confirmation through laboratory analysis would reduce or eliminate the potential for exposure to hazardous and toxic materials.

16. Without proper training and knowledge of the explosives contamination on the equipment as well as the chemical and physical properties of the specific explosive, the risk of detonation increases. A detonation may be caused by the reaction of incompatible materials or processes that generate sufficient heat, shock, or friction to initiate a detonation.

Decontamination of the equipment and/or confirmation through laboratory analysis would reduce or eliminate the potential for accidental detonation caused by exposing the explosives to incompatible materials and/or initiators.

16. Explosives are sensitive to shock, heat, and friction. The detonation of an explosive is dependent on the type of explosive, the volume of explosive present, the sensitivity of the explosive present, and the initiator (i.e. shock, heat, and/or friction). The process of dismantling and/or transporting equipment contaminated with explosive materials prior to or without decontamination increases the risk of detonation due to friction between “pinch points” (i.e. explosive material compressed between equipment parts). Decontamination of the equipment and/or confirmation through laboratory analysis would reduce or eliminate the potential accidental detonation of explosives during the dismantling and/or transportation of the equipment.

17. Proper DOT packaging, handling, and placarding is required for the legal shipment of hazardous/explosive materials. DOT regulations of hazardous materials are intended to protect people and the environment from the risks of hazardous materials transportation. Without decontamination and confirmation analysis to determine the absence of contamination by explosives, the equipment should be analyzed to properly determine the DOT hazard classification and DOT transportation requirements prior to transportation. Without DOT compliant packaging, placarding, and transporting, the risk of personal injury to the transporter, emergency response personnel, and the public increases. In the event of a fire or collision involving the transportation of explosive materials, a potential detonation could occur. The potential for detonation is dependent on the volume of explosives present, however the transportation of equipment contaminated by explosives (without decontamination and analytical confirmation) increases the threat to the transporter, emergency responders and the public.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 16, 2013

/s/ Paige Delgado
Paige Delgado
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